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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/827,037	04/19/2004	Shun-Min Chen	17652	2376

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GARDEN CITY, NY 11530

EXAMINER

SANTOS, ROBERT G

ART UNIT PAPER NUMBER

3673

DATE MAILED: 09/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/827,037	CHEN, SHUN-MIN <span style="float: right;">51</span>	
	Examiner	Art Unit	
	Robert G. Santos	3673	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 April 2004 and on 04 June 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>06042004</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. Claims 4 and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 4 and 6 are rendered indefinite since the use of trademarks such as Velcro® is prohibited in claim language. (For this case, a phrase such as “a hook and loop fastener, such as the one sold under the Trademark of Velcro” should be used.) Moreover, the scope of the phrase “or the like” as recited in claims 4 and 6 cannot be properly ascertained, thereby further rendering these claims indefinite.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 5, 7, 8/1 and 8/7 are rejected under 35 U.S.C. 102(b) as being anticipated by Hummel et al. '913. Hummel et al. show the claimed limitations of a bassinet (11) comprising an accommodating portion (16), wherein the bassinet is supported on a baby play yard (14), and the accommodating portion is connected to the underneath of the bassinet (through element 14) and configured to define an accommodating space for receiving articles (as shown in Figures 1 & 2 and as described in column 1, lines 52-55 and in column 2, lines 1-6). With regards to claim 2,

Art Unit: 3673

the reference also teaches the use of an opening provided on the play yard (14) at a position corresponding to the accommodating portion (as shown in Figures 1 & 2 and as described in column 2, lines 19-22). As concerns claim 5, the reference discloses the use of at least one fixing means (20) provided on the accommodating portion for securely fixing the accommodating portion under the bassinet. With regards to claim 7, the reference is considered to show a condition wherein the accommodating portion is substantially formed as a rectangular parallelepiped in Figures 1 & 2. As concerns claims 8/1 and 8/7, the reference discloses a condition wherein the accommodating portion is provided with at least one partition (see Figures 1 & 2).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hummel et al. '913 in view of Massie '547. Hummel et al. do not specifically the use of a cover provided on the opening and at least one fixing means provided between the periphery of the cover and the inner edge of the opening. Massie '547 provides the basic teaching of a bassinet assembly comprising a bassinet (2) supported on a baby play yard (1) having an opening, wherein the opening is provided with a cover (6) thereon and at least one fixing means (the hinge elements connecting cover 6 to baby play yard 1) positioned between the periphery of the cover and the

Art Unit: 3673

inner edge of the opening. The skilled artisan would have found it obvious at the time the invention was made to provide the bassinet of Hummel et al. '913 with a cover provided on the opening and at least one fixing means provided between the periphery of the cover and the inner edge of the opening in order to ensure that items placed within the accommodating portion remain securely contained therein as desired.

With regards to claim 4, Hummel et al., as modified by Massie, do not specifically disclose the use of the various types of fixing means as claimed by Applicant. It would have been obvious to one having ordinary skill in the art at the time the invention was made to replace the fixing means of Hummel et al., as modified by Massie, with any of Applicant's claimed fixing means since such a modification would have been generally recognized as being within the level of ordinary skill in the art.

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hummel et al. '913. Hummel et al. do not specifically disclose the use of the various types of fixing means as claimed by Applicant. It would have been obvious to one having ordinary skill in the art at the time the invention was made to replace the fixing means of Hummel et al. with any of Applicant's claimed fixing means since such a modification would have been generally recognized as being within the level of ordinary skill in the art.

### *Conclusion*

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tharalson et al. '000, Waldman et al. '949, Tharalson et al. '927, Waldman '574,

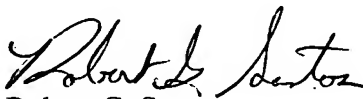
Art Unit: 3673

Welsh, Jr. et al. '033, Hsia '230, Hsia '563, Warner, Jr. et al. '535, Benson '929, Hartenstine '064, Miller et al. '756, Kodet et al. '857, Grooms '479, Hayward '614, La Vigne '922, Heyward '098 and McLendon et al. '539.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert G. Santos whose telephone number is (703) 308-7469. The examiner can normally be reached on Tues-Fr and first Mondays, 10:30 a.m. to 8:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather C. Shackelford can be reached on (703) 308-2978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Robert G. Santos  
Primary Examiner  
Art Unit 3673

R.S.  
September 15, 2004